

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 18, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, February 18, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Josh Parks, an employee of the Tupelo Fire Department, followed by the Pledge of Allegiance led by Councilwoman Nettie Davis.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

<u>ADD:</u>	#4.4.A	Proclamation in recognition of "Salvation Army Empty Bowls Day"
<u>ADD:</u>	#7.13	Request for Out-of-Country Travel By Tupelo Convention & Visitors Bureau
<u>ADD:</u>	#7.14	Contract between City of Tupelo and Cook Coggin Engineers for King's Creek Drainage Project
<u>ADD:</u>	#7.15	Consideration of Proclamation and Resolution re Local Emergency and Declaring City Disaster Area
<u>DELETE:</u>	#5.2.A	Appeal of Sign Variance Decision
<u>ADD:</u>		Executive Session

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4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No City employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by council members:

President Davis – Made announcement regarding the State of the City address by Mayor Shelton on Monday, February 24, 2014, at 4:00 p.m. at the BancorpSouth Center. She recognized Mrs. Viola Foster, former Mayor of Plantersville, Mississippi, and Mrs. Boyce Grayson, Sr., who were in the audience tonight.

Councilman Jennings – Recognized the Mayor of Verona, Mississippi, and thanked all the citizens who were in attendance for this regular City Council meeting.

IN THE MATTER OF RECOGNITION OF SAFETY RECORD OF LEGGETT & PLATT – TUPELO SLEEPER

Two representatives of Leggett & Platt – Tupelo Sleeper accepted a Certificate of Recognition from Mayor Shelton for its excellent safety record with no lost time off since the end of 2009, representing 1,200 days without an employee missing a day due to job-related injury or accident.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “SALVATION ARMY EMPTY BOWLS DAY”

A large group of members of the Salvation Army Auxiliary organization were present to accept a proclamation from Mayor Shelton in recognition of “Salvation Army Empty Bowls Day”. This event will be held this year on Wednesday, March 5, 2014. Since 1990 this event has been held throughout the world and millions of dollars have been raised to combat hungry. The organization shares the goals of The Committee of the World Food Day to build public will and to increase awareness in the fight to bring food security to all people. Mayor Shelton was presented an apron to wear on the day of this event and asked to help in serving the citizens who attend.

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IN THE MATTER OF MAYOR'S REPORT

Following are highlights of Mayor Shelton's Report for this meeting.

... A "Thank You" to the Department of Public Works, Tupelo Water and Light Department, the Tupelo Police Department and Tupelo Fire Department for their response to the recent threat of inclement weather. Luckily, the City of Tupelo was bypassed by the winter storm, but the City was prepared and had a very capable response crew in place in the event the storm had hit.

... The State of the City address has been re-scheduled for Monday, February 24, 2014, at 4:00 p.m. at the BancorpSouth Center.

... Events coming up this week:
February 18 (tonight) both men's and women's Golden Wave basketball teams are playing in the Division 2 – 6A tournament. The winner will advance to the finals on Friday which will be hosted at Tupelo High School.

... Offered congratulations to the Tupelo Lady Wave Soccer team on winning the North Half championship.

... Recognized everyone who celebrated with the City of Tupelo and TVA in recognizing the 80th Anniversary of Tupelo becoming the first TVA city. A program had been held at Church Street on Friday morning with students of Brenda Gilbert presenting "Lawhon Lyrics". Mrs. Carol Trent Imbler from Milam Elementary School led the Pledge of Allegiance and a group of seniors from Tupelo High School unveiled a mural of the iconic TVA sign they had installed at Robbin's Field as part of their senior project. Those seniors are Kyler Emig, Ryan Murphy, Cemone Smith, McKenzie Darnell and Emily Carter.

... The Tupelo Furniture Market was held last weekend. This is an important event to our City and Mayor Shelton said he was truly appreciative to all those who work to make it such a success. He had the honor of presenting the 50th Biannual National Buyer Appreciation Award to Affordable Home Furnishings from Lafayette, Louisiana who has attended every Tupelo furniture market in its 25-year history.

... Mayor Shelton had attended the "Mississippi Civil Rights: Documenting the Movement" with Council President Nettie Davis, Joyce Dixon Lawson from the Mississippi Department of Archives and History Collections and Jaqueline Dace from the New Mississippi Civil Rights Museum at St. Paul United Methodist Church.

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... Thanked the Kiwanis Club for the invitation to speak at their meeting recently. He stated it was always an honor to be invited by great civic groups like this club.

... Announced that the Public Transportation Committee will meet at City Hall on February 20 in Conference Room B at 2:30 p.m.

... On Wednesday, February 19, 2014, at 9:00 a.m. Tupelo High School will hold their annual Black History Month Program at the high school gymnasium.

... The Mayor stated he looked forward to meeting individually with City Council members to discuss plans for the new Tupelo Police Station. He said it was his intention to be able to work closely with the Council to come up with a design and a budget and a way to fund this project.

(President Davis closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

(None)

5.2 APPEAL OF PLANNING COMMITTEE DECISION ON SIGN VARIANCE

This item had been deleted from agenda.

5.3 CITIZENS' HEARINGS

5.3.A Mr. Jim Casey addressed the City Council requesting a memorial tag or marker be attached to Barnes Street signage honoring the legacy of Boyce "Hank" Grayson, Sr., the first African-American to serve on the Tupelo City Council.

5.3.B Bruce Tucker addressed the City Council concerning the subject of recycling water and, also, the fact that he was being charged sewer fees by the City even though he had his own septic tank and sewerage system installed on his property.

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(President Davis then closed the Public Agenda and the council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE CONTRACT FOR OUTSIDE LEGAL SERVICES

Upon a motion by Councilman Whittington and a second by Councilman M. Bryan, the council voted unanimously to approve a City of Tupelo Contract for Overflow General Legal Services with the law firm of Mitchell, McNutt & Sams, P. A. for the period of October 1, 2013 through September 30, 2014. Since October 1, 2013, the City of Tupelo has employed in-house legal counsel. The aforementioned contract provides for any overflow general legal services from those provided by the City's in-house attorney. Mitchell, McNutt & Sams, P. A. will provide these services upon request by the Mayor, in-house legal counsel, or the Tupelo City Council. An executed copy of the contract is attached to these minutes and incorporated herein as **APPENDIX A.**

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, February 4, 2014. It should be noted that Councilman L. Bryan's motion to approve the FY 2014 Budget Revision #3 as presented at this meeting included the stipulation that a work session be held at a later date for further discussion. A work session was conducted on Monday, February 10, 2014, for this purpose.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Davis and Palmer:

- Check Nos. 118090 through 118399 (Pool Cash Fund)
- Electronic transfers as shown on the face of the docket.
- Invoices as shown on the face of the docket.
- Requests made by AFLAC to reimburse employees under Flex-One Plan as shown on the face of the docket.

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**IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO
SCHOOL DISTRICT BOARD**

Mayor Shelton by memorandum dated February 11, 2014, had requested the Tupelo City Council to re-appoint Mr. Eddie Prather to the Tupelo Public School District Board as his term will end February 2014. The Mayor requested that Mr. Prather be re-appointed for a five-year term beginning March 8, 2014 through March 1, 2019.

Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously to grant the Mayor's request and re-appoint Mr. Eddie Prather to a five-year term on the Tupelo Public School District Board. A copy of his bio is attached to these minutes as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE HOMELAND SECURITY COOPERATIVE
AGREEMENT CONTRACT FOR TWO NEW HOMELAND SECURITY GRANTS**

Terri Blissard, Grant Administrator, had presented by memorandum dated February 13, 2014, to the Mayor and City Council a Homeland Security Cooperative Agreement for two new Homeland Security grants. The first grant is for \$17,285 with funds allocated for dive equipment for the EOD unit and a satellite phone contract for disaster management at the city level. The second grant is for \$60,000 for DBRNE detection equipment and supplies for the EOD unit. According to Ms. Blissard, neither of these grants requires a match.

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve this Homeland Security Cooperative Agreement for these two new Homeland Security grants.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE
MEETING**

Upon a motion by Councilman Palmer and a second by Councilman M. Bryan, the council voted unanimously to accept the minutes of the Planning Committee meeting of February 3, 2014, as to Item 1, only. The other item covered at that meeting is addressed under another item of this City Council agenda. A copy of the minutes of February 3, 2014, is attached to these minutes and incorporated herein as **APPENDIX C.**

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**IN THE MATTER OF REVIEW/ACCEPT/DENY PLANNING COMMITTEE
DECISION REGARDING APPEAL OF SIGN VARIANCE**

Mr. Jeremie Richardson of the Thai Restaurant located at 1034 Commonwealth Boulevard had filed a request with the Development Services Department for a sign variance for his restaurant. According to Pat Falkner, City Planner, the variance Mr. Richardson is seeking would be twice the size that the city code allows. The Planning Committee, therefore, denied this request for a variance at their December 2, 2013, meeting. Mr. Richardson subsequently filed an appeal of this decision.

At the regular City Council meeting of December 17, 2013, Mr. Richardson appeared before the council and spoke regarding his appeal. After a lengthy discussion of the issue, the City Council voted unanimously to remand the issue back to the Planning Committee for further attention. The Planning Committee at their regular meeting of February 3, 2014, again reviewed Mr. Richardson's request for the variance and voted unanimously to deny the variance once again.

The matter having come back before the City Council, Councilman Whittington moved to uphold the Planning Committee's decision to deny the sign variance request; the motion was seconded by Councilman Jennings and unanimously approved by a vote of the City Council. It should be noted that Mr. Richardson did not appear at this council meeting in regard to his appeal.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to accept the minutes of the Historic Preservation Commission meeting of December 2013, a copy being attached to these minutes as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO ACCEPT VEHICLES AS UNMARKED POLICE VEHICLES

The Tupelo Police Department had submitted a list of vehicles requesting that they be accepted as unmarked police vehicles and tagged accordingly. Police Chief Aquirre in a memorandum to Mayor Shelton dated February 7, 2014, stated these vehicles operate frequently outside the City in other jurisdictions, as well as inside the City, in undercover situations. These unmarked vehicles will reduce the attention drawn toward them and is required under State law to be authorized by the City Council as unmarked police vehicles.

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Councilman Newell moved to accept the list as unmarked police vehicles and that they be tagged accordingly. The motion was seconded by Councilman Whittington and unanimously

approved by a vote of the council. A copy of the list is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to award the following bids for the Tupelo Public Works Department as recommended by Chuck Williams, Director:

- 1316PW Crusher Run - Four Bidders responded.
Recommendation of low bid: Limestone Red Bay, Inc.
Bid: \$16.75 per ton
Recommend that Booneville Trucking be named alternate bidder
- 1315PW Curb & Gutter – One Bidder responded
Recommendation: Slayton Concrete Construction
Bid: \$18.00 per linear foot and \$10.00 per linear foot labor only
for broom finish curb and gutter; and \$19.00 per linear foot
and \$10.00 per linear foot labor only for aggregate finish
curb and gutter
- 1314PW Rip Rap, Surge, & Gabion Stone – Four Bidders responded
Recommendation of low bid: Booneville Trucking
Bid: 300 lbs. and 100 lbs. rip rap, 8” surge rock, 6” Gabion
stone, and No. 1 Stone (3” rock)
Recommend that Poe Brothers Trucking be named alternate bidder

A copy of the complete bid package is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to award the following bid for the Tupelo Public Works Department as recommended by Director Chuck Williams:

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- 1283PW Termoplastic Traffic Marking – One bidder responded
Recommendation: Riverside Traffic Systems, Inc.

A copy of the complete bid package is attached to these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE WRITE-OFF OF TUPELO WATER & LIGHT COLLECTIONS TO BAD DEBT FILE

Upon a motion by Councilman L. Bryan, seconded by Councilman Jennings, the council voted unanimously to approve the write-off of a listing of Tupelo Water & Light Collections accounts to the bad debt file. The total amount of the write-off is \$52,645.28, representing a percentage of loss of .00139% for the period July 2012 through December 2012. Efforts will continue to be made to collect these accounts even though they have been transferred.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION OPPOSING PASSAGE OF BILL 442 CHANGING LAW PROVIDING FOR APPOINTMENT OF SCHOOL BOARD MEMBERS BY LOCAL GOVERNING AUTHORITIES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve a Resolution Opposing the Passage of 2014 Mississippi House of Representatives Bill Number 442 Changing the Longstanding Law Providing for the Appointment of School Board Members by the Local Governing Authorities of Municipal Separate School Districts.

House Bill Number 442 drastically changes the longstanding law for appointment of municipal separate school district board members to election of these board members commencing and coinciding with the 2016 United States Presidential Election. By the adoption of the aforementioned Resolution, the Tupelo City Council voices its objection to House Bill Number 442 as it does not represent the best interests of the City of Tupelo or the Tupelo Public School District. Should this Bill be favorably considered by the Legislature, the City Council and Mayor of the City of Tupelo request that the Tupelo Public School District be exempted from the effect of House Bill 442.

An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX H.**

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IN THE MATTER OF REVIEW/APPROVE REQUEST FOR OUT-OF-COUNTRY TRAVEL FOR TUPELO CONVENTION & VISITORS BUREAU

Neal McCoy, Executive Director of the Tupelo Convention & Visitors Bureau, had submitted a request to the Mayor and City Council for approval for international travel for Jennie Bradford Curlee and himself during May 17 – 26, 2014. The Mississippi Development Authority Division of Tourism has extended an invitation to select destination marketing organizations to participate in an international sales mission to the United Kingdom this summer. The mission will include a combination of tour operator sales calls, media appointments, reservation staff training, plus retail agent training throughout the country. This is a collaborative effort between the Memphis and Mississippi Tourism Partnership. Mr. McCoy states this mission will promote travel to Memphis and Mississippi with a strong focus on the 80th birthday of Elvis Presley in 2015.

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to approve this travel request to the UK for these C&VB employees during May 17 – 26, 2014.

**IN THE MATTER OF REVIEW/APPROVE ADDENDUM TO MASTER AGREEMENT
BETWEEN CITY OF TUPELO AND COOK COGGIN ENGINEERS FOR TUPELO
DRAINAGE IMPROVEMENTS PROGRAM**

Upon a motion by Councilman M. Bryan and a second by Councilman Newell, the council voted unanimously to approve an Addendum to Master Agreement for Engineering Services City of Tupelo Drainage Improvements Program. Pursuant to the Master Agreement executed in 2006, the City wishes to continue another phase of a drainage improvements plan, said project being named King's Creek Drainage Improvements Rankin Boulevard to Gloster Street.

According to the Addendum, the project will be financed using Federal assistance authorized by the American Recovery and Reinvestment Act of 2009 (ARRA); however, provisions required by ARRA are not present in the Master Agreement. Therefore, the approval of this Addendum is necessary by adding terms and provisions for ARRA-funded projects.

An executed copy of this Addendum is attached to these minutes and incorporated herein as **APPENDIX I.**

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IN THE MATTER OF CONSIDERATION OF PROCLAMATION OF LOCAL EMERGENCY AND DECLARING CITY DISASTER AREA AND APPROVAL OF RESOLUTION APPROVING PROCLAMATION OF LOCAL EMERGENCY AND DECLARATION AS THE CITY OF TUPELO, MISSISSIPPI A DISASTER AREA AND ENDING SAME

On February 11, 2014, Mayor Shelton had signed a "Proclamation of a Local Emergency and Declaring the City of Tupelo, Mississippi a Disaster Area". This action was taken due to severe weather conditions which potentially could cause conditions of extreme peril to the safety of persons and property within the City of Tupelo. However, the state of emergency ended before the next regular City Council meeting without approval of the Proclamation and official termination of the state of local emergency.

Therefore, upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to approve a Resolution Approving Proclamation of Local Emergency and Declaration as the City of Tupelo, Mississippi a Disaster Area and Ending Same. An executed copy of the resolution is attached to these minutes and incorporated herein as **APPENDIX J.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS AMENDMENTS TO LOT MOWING PENALTIES

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS REQUEST FOR PERMISSION TO PLACE STRUCTURE IN ALLEY RIGHT-OF-WAY

At the request of two council members, this item will be moved to the agenda of the March 4, 2014, council meeting.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman M. Bryan and a second by Councilman Palmer, the council voted unanimously to close the regular meeting to determine the need for an executive session.

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Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to go into executive session to discuss:

- (A) Pending Litigation – Azalea Gardens
- (B) Pending Litigation – Hinds vs. City of Tupelo, Mississippi

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken in regular session.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to adjourn the regular meeting at 7:30 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR